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Single Bench

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4148 /2005

PETITIONER : Satya Narayan Patel
S/o. Rameshwar Patel
Aged about 21 years
Presented as Shikshakarmi
Grade-III At Govt. P.S. School
Madwa,District Janjgir-Champa (C.G.)
R/o. Vill. & Post Pendarwa
District Janjgir-Champa (C.G.)

P.R. No. 4148/05
Presented by Shri Rajpal Mandavi
dated 30-8-05

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : Secretary
Department of Panchayat & Rural
Development , Mantralaya D.K.S.,
Bhawan , Raipur (C.G.)
2. The Collector , Jangjir-Champa
District Jangjir-Champa (C.G.)
3. Janpad Panchayat Dabhara
Through : Its Chief Executive Officer
Dabhara, Dist. Jangjir-Champa (C.G.)

30/8/05

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP NO. 414 B ... **सन्** 2005

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	26.7.2006:- Miss Dipali Pandey, counsel for the petitioner. Shri G.K. Beriwal, Deputy A.G. with Shri Satish Gupta, Deputy G.A. for respondents No.1 and 2. Shri Vivek Verma, counsel for respondent No.3. Shri Hari Ram Sidar, Chief Executive Officer, Janpad Panchayat, Dabhra, District Janjgir-Champa (CIC) is also present in the Court. Heard. By the instant petition, the petitioner has questioned the legality and correctness of the order dated 11-7-2005, Annexure-P/1, whereby the petitioner's appointment on the post of Shiksha Karmi, Grade-III, vide order dated 21-6-2005 has been cancelled. The petitioner's case is that the ground for cancellation of the appointment of the petitioner that he has been appointed illegally by granting 2.5% marks to the petitioner is not correct. The petitioner has been selected on merit as per the marks allotted in the interview. The petitioner never submitted any NCC certificate and he never claimed 2.5% marks on that basis. Learned counsel for respondents No.1 and 2 submitted that they adopt the reply filed on behalf of respondent No.3. In the reply, it has been mentioned that vide order dated 11-7-2005 the petitioner's appointment on the post of Shiksha Karmi Grade-III was cancelled. The petitioner was wrongly given additional marks for possessing qualification of NSS certificate whereas, there is no provision in the rules for awarding additional marks for N.S.S. certificate, therefore, appointment order of the petitioner was cancelled because after deducting those marks i.e. 2.5%, the petitioner was out of the merit list.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 4146 **सन्** 2005

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for respondents referring the record argued that after deducting 2.5% marks awarded to the petitioner, his percentage was reduced to 57.62 from 60.12 whereas, the last candidate selected in the merit secured 58.8% marks. As the petitioner himself has mentioned in para-6.1 of the petition that he has no certificate of NSS/NCC, therefore, it is clear that 2.5% marks were wrongly awarded to the petitioner. Rule 5 (9) (gha) of Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Service Condition) Niyam, 1997 envisages that a candidate will be entitled for 2.5% marks if he possesses certificate of NCC/Scout/Guides. There is no provision for NSS certificate. As the appointment of the petitioner was given on wrong premises, therefore, the petitioner's appointment has rightly been cancelled, as such there is no merit in the writ petition, same is liable to be dismissed and it is hereby dismissed. Learned counsel for the petitioner submitted that in pursuance of the appointment order the petitioner had already worked for about 15 days as Shiksha Karmi, Grade-III. If it is so, then respondents are directed to pay the salary of 15 days to the petitioner. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

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